

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT L. JOHNSTON,

Plaintiff,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Defendant.

No. 4:10-CV-1357 SNLJ

MEMORANDUM AND ORDER

This closed case is before the Court on pro se plaintiff's (1) motion for case to be reassigned to another judge, and (2) motion for statute of limitations to be set aside. For the following reasons, both motions will be denied.

On August 16, 2010, the Court dismissed plaintiff's pro se complaint under 28 U.S.C. § 1915(e) as legally frivolous. Plaintiff had brought this action claiming that the Department of Veterans Affairs ("VA") wrongfully denied him benefits. In its dismissal, the Court held that it was without jurisdiction to review VA benefits determinations, citing 18 U.S.C. § 511(a). *See* ECF No. 6.

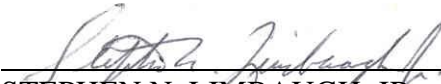
Now, eight years after dismissal, plaintiff seeks to reopen this case, have the statute of limitations set aside, and requests to be assigned a different judge. After reviewing the grounds raised by plaintiff, the Court concludes that plaintiff's complaint remains legally frivolous under § 1915(e), because the Court has no jurisdiction to review VA benefits determinations. Moreover, plaintiff has stated no reason why he seeks reassignment to a different judge, nor any facts that might require judicial disqualification under 28 U.S.C. § 455. The Court will deny his motions for reassignment and his motion to set aside the statute of limitations.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for the case to be reassigned to another judge is **DENIED**. [ECF No. 8]

IT IS FURTHER ORDERED plaintiff's motion to set aside the statute of limitations is **DENIED**. [ECF No. 9]

Dated this 17th day of August, 2018.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE